

REMARKS

Applicant respectfully requests reconsideration. Claims 1, 3-8, 10-12, and 14-35 were previously pending in this application. By this amendment, claims 1, 3, 17 and 35 have been amended. New claims 36 and 37 have been added. As a result, claims 1, 3-8, 10-12, and 14-37 are pending for examination with claims 1, 17, 35 and 36 being independent claims. No new matter has been added.

Rejections Under 35 U.S.C. §102(b)

The Examiner rejected claims 1, 3, 10-12 and 14-16 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,363,978 to Molo (hereinafter, "Molo").

Without acceding to the propriety of the rejections presented in the Final Office Action, independent claim 1 has been amended to further prosecution. As amended, claim 1 recites, among other limitations, a cover comprising a body portion substantially surrounded by an outer edge, the body portion having an opening therein, and an upper surface that is concave adjacent substantially the entire outer edge such that a portion of the upper surface adjacent the outer edge is lower than the upper surface that is disposed inwardly of the portion of the upper surface adjacent the outer edge. Support for this limitation may be found throughout the specification, for example, in Figures 1-5. It is submitted that Molo does not teach such a limitation as the container-covering top panel of Molo is shown and described to be substantially planar (see column 2, lines 62-66). Accordingly, withdrawal of this rejection is respectfully requested.

Each of claims 3, 10-12, and 14-16 depends either directly or indirectly from independent claim 1 and is believed to be patentable for at least the same reasons discussed above with respect to claim 1. Withdrawal of the rejection of these claims is respectfully requested.

Rejections Under 35 U.S.C. §103

The Examiner rejected claims 17-21, 23-25, 27-29 and 34 under 35 U.S.C. §103(a) as being unpatentable over Ogino in view of U.S. Publication No. 2002/0066732 (hereinafter, "Ogino").

Without acceding to the propriety of the rejections presented in the Final Office Action, independent claim 17 has been amended to further prosecution. As amended, claim 17 recites, among other limitations, that a portion of the outer edge of the cover that contacts the containing portion is angled upwardly away from the base when the cover is disposed on the containing portion. Support for this limitation may be found throughout the specification, for example, in Figures 1-5. It is submitted that Ogino does not teach or suggest such a limitation. As shown in Figure 1 and described in Column 4, lines 24-28 of Ogino, Ogino teaches a closure member 3 with an abutment portion that extends horizontally over upper edge 7 of the container body 2. Accordingly, withdrawal of this rejection is respectfully requested.

Each of claims 18-21, 23-25, 27-29 and 34 depends either directly or indirectly from independent claim 17 and is believed to be patentable for at least the same reasons discussed above with respect to claim 17. Withdrawal of the rejection of these claims is respectfully requested.

The Examiner rejected claims 1, 3-6, 8, 10-12 and 14-21, 23-25, and 27-35 under 35 U.S.C. §103(a) as being unpatentable over Ogino in view of Molo.

Without acceding to the propriety of the rejection, independent claim 1 has been amended to further prosecution. As discussed above, amended claim 1 recites, among other limitations, a cover comprising a body portion substantially surrounded by an outer edge, the body portion having an opening therein, and an upper surface that is concave adjacent substantially the entire outer edge such that a portion of the upper surface adjacent the outer edge is lower than the upper surface that is disposed inwardly of the portion of the upper surface adjacent the outer edge. It is submitted that neither Ogino nor Molo teaches or suggests such a limitation. Accordingly, withdrawal of the rejection of independent claim 1 is respectfully requested.

Each of claims 1, 3-6, 8, 10-12 and 14-16 depends either directly or indirectly from independent claim 1 and is believed to be patentable for at least the same reasons discussed above with respect to claim 1. Withdrawal of the rejection of these claims is respectfully requested.

Regarding claim 17, without acceding to the propriety of the rejection, independent claim 17 has been amended to recite, among other limitations, that the outer edge of the cover extends only to the inner surface of the sidewall and a portion of the outer edge of the cover that contacts the containing portion is angled upwardly away from the base when the cover is disposed on the containing portion. In Ogino, the portion of the closure member 3 that contacts container body 2 is horizontal as it rests on upper edge 7 of container body 2 and additionally extends beyond the inner surface of the sidewall. In Molo, the cover of the storage container 10 extends beyond the inner surface of the storage container. Accordingly, withdrawal of this rejection is respectfully requested.

Each of claims 18-21, 23-25, and 27-34 depends either directly or indirectly from independent claim 17 and is believed to be patentable for at least the same reasons discussed above with respect to claim 17. Withdrawal of the rejection of these claims is respectfully requested.

Without acceding to the propriety of the rejection, independent claim 35 has been amended to recite, among other limitations, a containing portion including a sidewall attached to a base, the sidewall having a rim and an inner surface, wherein a substantial portion of the inner surface of the rim extends in a direction having a horizontal component when the containing portion is placed on a horizontal surface. Claim 35 further recites that the outer edge of the cover is adapted to fit against a portion of the inner surface of the sidewall of the containing portion such that the outer edge of the cover extends only to the inner surface of the sidewall. Support for these limitations may be found throughout the specification, for example, in Figures 1-5. In Ogino, the inner surface of the upper portion of container body 2 is vertical, and closure member 3 extends beyond the inner surface of upper edge 7. In Molo, the cover of the storage container 10 extends beyond the inner surface of the storage container. Accordingly, withdrawal of this rejection is respectfully requested.

The Examiner rejected claims 7, 22 and 26 under 35 U.S.C. §103(a) as being unpatentable over Ogino as applied above under 35 U.S.C. § 103(a) in view of Molo to claims 3, 18, and 25 and in further view of Poslinski, et al. (U.S. Pat. No. 6,364,152).

Claim 3 depends from independent claim 1 and is believed to be patentable for at least the same reasons provided above with respect to claim 1. Each of claims 18 and 25 depend directly or indirectly from independent claim 17 and is believed to be patentable for at least the same reasons discussed above with respect to claim 17. Accordingly, withdrawal of these rejections is respectfully requested.

New Claims

Claim 36 is directed to a container including a cover having a body portion substantially surrounded by an outermost edge, and a containing portion including a sidewall attached to a base. The sidewall has a ridge below an upper edge of the ridge, wherein the outermost edge of the cover is adapted to fit against the ridge. Support for this claim may be found throughout the specification, for example, in Figures 1-4 and on page 7, lines 16-19 of the application. Neither Ogino nor Molo is believed to disclose each and every limitation of new claim 36.

New claim 37 is directed to the container as claimed in new claim 36, wherein the cover also includes an inner surface and a sealing ring mounted on the inner surface such that placement of the cover on the containing portion results in the inner surface of the cover fitting the sealing ridge against the ridge. Support for this claim may be found throughout the specification, for example, in Figures 1-4 and on page 8, lines 7-12. Claims 36 and 37 are believed to be patentable, and a notice to this effect is respectfully requested.

CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
Paul J. Klock, et al., Applicants

By:



Randy J. Pritzker, Reg. No. 35,986
Eric L. Amundsen, Reg. No. 46,518
Wolf, Greenfield & Sacks, P.C.
600 Atlantic Avenue
Boston, Massachusetts 02210-2206
Telephone: (617) 646-8000

Docket No.: W0543.70052US00
Date: August 5, 2004
x08/06/04x